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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,159	07/13/2000	Marc J. Madou	M-2	4896

27304 7590 01/20/2004

CORWIN R. HORTON
THE PARK, SUITE 2001
25 MANN DRIVE
KENTFIELD, CA 94904

EXAMINER

BARRECA, NICOLE M

ART UNIT PAPER NUMBER

1756

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,159

Applicant(s)

MADOU, MARC J.

Examiner

Nicole M. Barreca

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/26/2002.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's election without traverse of Group I, claims 1-10 and 20-22 in Paper No. 12/10/2003 is acknowledged, as well as applicant's election without traverse of Group I, claims 1-10 in Paper No. 12/10/2003 are acknowledged.
2. Claims 11-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Elections were made **without** traverse in Paper No. 12/10/2003.

Specification

3. The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holland (US 4765864) in view of Chumbers (US 3772101).
6. Holland discloses a method for making an electrochemical cell. Electrochemical cell 10 is constructed using semiconductor slab 12, which has a front surface 14 and a back surface 16. First front masking layer 18 and first back masking layer 20 are generally insulative (applicant's substrate layer) and covered by front photoresist layer 22 and back photoresist layer 34 (first and second photoresist matrix layers). The front

photoresist is exposed using a mask to form at least one hole 24 (cavity) and etched to form (larger) well 28 (chamber). The back photoresist layer is exposed to form at least one opening 36 aligned opposite the well 28. Passage 40 or (smaller) well is etched through the exposed part 38 and extended into the slab 12 (col.4, 24-68). A third front insulative layer 42 is provided covering the front side 14 and well 28, terminating at 32 (interface). Conductor 46 (electrode) is deposited in the passage 40 and second front insulative layer 32 is etched. Electrolytic medium 50 is put in well 28 and barrier 52 is formed to cover the well (col.5, 1- col.6, 26). Barrier 52 may be formed of a number of materials and methods such as by heat shrinking (fixing) in place (col.7, 24-67).

Holland discloses using positive photoresist layers and not negative photoresist layers. Chambers teaches that negative and positive photoresist layers may be substituted for each other in a patterning process simply by reversing the opaque areas of the photomask (col.3, 41-52). It would have been obvious to one of ordinary skill in the art to use negative photoresist layers, instead of positive photoresist layers, in the method of Holland because Chambers teaches that negative and positive photoresist layers may be substituted for each other in a patterning process simply by reversing the opaque areas of the photomask.

7. Please note that because the applicant's claims are written in open language, the prior art cited in a rejection may teach performing additional process steps not claimed by the applicant. See MPEP 2111.03. In addition, the applicant's claims as written do not limit the claims to any specific sequential order and therefore the prior art cited in a rejection may teach performing the applicant's steps in a different order.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Possin (US 5130263) discloses a patterning method using a self-aligned mask. Staatus (US 2002/0108860) discloses a method for the fabrication of polymeric microfluidic devices.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Barreca whose telephone number is 571-272-1378. The examiner can normally be reached on Monday-Thursday (8:00 am-6: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Nicole M. Barreca
Examiner
Art Unit 1756



1/12/04